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Convention on the Rights of Persons with Disabilities

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English
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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Ecuador*

A. Purpose and general obligations (arts. 1–4)

1. Please indicate the most significant changes made to the Organic Act on Disabilities published on 25 September 2012, which repealed the Disabilities Act mentioned in the State party report.

2. Please provide more information on the concept of "severity of such limitations" used to determine whether a person is recognized as a person with disabilities and has access to his or her rights. Who makes the determination regarding limitations and what methodology is used?

3. Please indicate the steps to be taken by Ecuador in the short, medium and long term in order to bring its national legislation into line with the Convention, aside from the aforementioned Organic Act on Disabilities.

4. What is done to ensure the managerial autonomy and independence of organizations of persons with disabilities to enable them to provide information freely to the treaty bodies?

B. Specific rights

Equality and non-discrimination (art. 5)

5. Please indicate whether denial of reasonable accommodation is considered a form of discrimination in the State party. Please also indicate the legal actions — apart from criminal proceedings — available to persons with disabilities if they consider that they have been discriminated against, the time any such proceedings take and the sanctions available to punish those responsible for discriminatory acts.

6. Please explain why disability prevention is considered to be a form of affirmative action.

* Adopted by the pre-sessional working group at its first session (14–17 April 2014).

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Women with disabilities (art. 6)

7. Please provide disaggregated data on the percentage of women and girls with disabilities currently enrolled at the primary, secondary and tertiary levels.

8. Please indicate how many women with disabilities of working age are currently employed.

9. Please indicate the current status of the regulation on protection and comprehensive care for victims of gender, domestic and sexual violence, and what provisions it contains regarding women and girls with disabilities.

Children with disabilities (art. 7)

10. Please provide information on existing analyses and statistics regarding children with disabilities of indigenous and Afro-Ecuadorian nationalities and how the latter access existing disability programmes, particularly education and health programmes.

Accessibility (art. 9)

11. Please indicate whether the "Ecuador without Barriers" programme provides for the alteration of public buildings constructed prior to the programme's implementation.

12. Please provide information on the scope of the Ecuadorian technical regulation with regard to the concept of accessibility, indicating in particular whether the regulation covers issues related to information, communication, including information, and information and communications technologies (ICT) and the use of plain language, and not merely accessibility from an architectural perspective.

Situations of risk and humanitarian emergencies (art. 11)

13. Please indicate whether the guidebook on assistance for persons with disabilities in the event of emergencies or natural disasters is binding on the public and private sectors, and whether any other emergency situation protocols exist in addition to the guidebook.

Equal recognition before the law (art. 12)

14. Apart from the changes made to certain terms used in the Civil Code, please indicate whether there are plans to replace the substitution model in decision-making with the supported decision-making model. Please indicate whether the pejorative language used in the Civil Code to refer to persons with disabilities has been modified.

Access to justice (art. 13)

15. Please indicate whether the civil, criminal and labour codes of procedure and other administrative ordinances establish the obligation for judges and other authorities to make procedural accommodations to ensure the participation of persons with disabilities.

Liberty and security of the person (art. 14)

16. Please confirm that no persons with psychosocial or intellectual disabilities are permanently institutionalized in psychiatric hospitals in Ecuador.

17. Please indicate the kind of personal assistance available to persons with disabilities deprived of their liberty and, where applicable, who is responsible for providing it.

Protecting the integrity of the person (art. 17)

18. What steps have been taken to amend article 447 of the Criminal Code, which authorizes abortion without informed consent in cases of rape or statutory rape committed against a woman who is "an imbecile"?

Liberty of movement and nationality (art. 18)

19. Please indicate what happens to children with disabilities who are abandoned by their parents at birth and what measures are taken to ensure that their birth is registered.

20. Please provide information on steps taken to repeal article 7 of the Naturalization Act, which prevents persons with a "chronic illness" from obtaining an Ecuadorian nationality card.

Living independently and being included in the community (art. 19)

21. Please indicate whether personal assistance programmes have been established to enable persons with disabilities to live in the community.

22. Please indicate what requirements a family must meet in order to be eligible for the human development voucher and the Joaquín Gallegos voucher.

Freedom of expression and opinion, and access to information (art. 21)

23. Please indicate which official radio and television programmes, if any, must be broadcast incorporating accessibility features for persons with disabilities.

Education (art. 24)

24. Please specify the procedure used for determining when a child with disability "cannot" be enrolled in the general school system and must be enrolled in special education schools.

25. Please indicate the State's strategy for establishing an inclusive education system for persons with disabilities.

26. Please indicate whether persons with disabilities are included in education at all levels in the State party. What percentage of persons with disabilities complete upper secondary education?

Health (art. 25)

27. Please indicate the steps taken to ensure access to health services for persons with disabilities in indigenous communities in Ecuador.

Work and employment (art. 27)

28. Please indicate whether public- and private-sector employers in Ecuador are obliged to provide reasonable accommodation when employing persons with disabilities, if necessary.

29. What percentage of persons with disabilities of working age are currently employed in Ecuador?

Adequate standard of living and social protection (art. 28)

30. To what extent do Ecuador's general social programmes include persons with disabilities? Please indicate whether the rights of persons with disabilities are included as a cross-cutting component in the 2009–2013 National Plan for Good Living.

Participation in political and public life (art. 29)

31. Please indicate whether there are any plans to reform the Constitution to ensure that persons with disabilities enjoy the same level of civil and political rights as others, in particular with regard to exemption from the obligation to vote.

Participation in cultural life, recreation, leisure and sport (art. 30)

32. Please indicate whether Ecuadorian legislation establishes the obligation for museums, cinemas, theatres, sports stadiums and other recreational and cultural centres, including cultural materials and content, to be accessible to persons with disabilities and, if so, indicate the degree of implementation of such legislation.

C. Specific obligations

National implementation and monitoring (art. 33)

33. Please provide detailed information on the nature of the implementation mechanism and the independent monitoring mechanism created by the State party in accordance with article 33 of the Convention (paragraph 566 of the State party's initial report).